

AMENDED IN SENATE MARCH 1, 2007

SENATE BILL

No. 136

Introduced by Senator Cedillo

January 25, 2007

An act to amend Section 4937 of the Business and Professions Code, relating to acupuncture.

LEGISLATIVE COUNSEL'S DIGEST

SB 136, as amended, Cedillo. Acupuncture: ~~Asian massage~~ *Tui Na*.

Existing law, the Acupuncture Licensure Act, provides for the licensure and regulation of acupuncturists by the Acupuncture Board and authorizes the board to adopt regulations necessary to implement the act. Existing law authorizes the holder of an acupuncturist's license to engage in the practice of acupuncture and various other forms of treatment, including Asian massage. Existing law specifies that the act does not prohibit a person who is not a licensed acupuncturist or licensed healing arts practitioner from performing or prescribing the use of Asian massage *those other forms of treatment*.

This bill would delete the term Asian massage and would instead authorize the holder of an acupuncturist's license to perform or prescribe the use of Tui Na. This bill would define Asian massage Tui Na for purposes of that provision as the use of pressure techniques, including myofascial release, or manual therapy, as specified. The bill would require the board to adopt regulations, as specified, prior to January 1, 2009, defining myofascial release and manual therapy for those purposes.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ *no*. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 4937 of the Business and Professions Code is amended to read:

4937. An acupuncturist's license authorizes the holder thereof:

(a) To engage in the practice of acupuncture.

(b) To perform or prescribe the use of ~~Asian massage~~ *Tui Na*, acupressure, breathing techniques, exercise, heat, cold, magnets, nutrition, diet, herbs, plant, animal, and mineral products, and dietary supplements to promote, maintain, and restore health. Nothing in this section prohibits a person who does not possess an acupuncturist's license or another license as a healing arts practitioner from performing, or prescribing the use of, a modality listed in this subdivision.

(c) For purposes of this section, a "magnet" means a mineral or metal that produces a magnetic field without the application of an electric current.

(d) For purposes of this section, "plant, animal, and mineral products" means naturally occurring substances of plant, animal, or mineral origin, except that it does not include synthetic compounds, controlled substances or dangerous drugs as defined in Sections 4021 and 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(e) For purposes of this section, "dietary supplement" has the same meaning as defined in subsection (ff) of Section 321 of Title 21 of the United States Code, except that dietary supplement does not include controlled substances or dangerous drugs as defined in Section 4021 or 4022, or a controlled substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.

(f) For purposes of this section, ~~"Asian massage"~~ *"Tui Na"* means the use of pressure techniques, including myofascial release, or manual therapy, ~~as it relates to soft tissues, through massage and mobilization of the skin and muscle for the therapeutic objective of stimulation of proper body function, so long as the pressure techniques or manual therapy are consistent with the training requirements specified in the board's regulations. The board, in consultation with the State Board of Chiropractic Examiners and the Physical Therapy Board of California, shall~~

1 define “manual therapy” and “myofascial release” for purposes of
2 this subdivision. The definitions shall be set forth in regulations
3 adopted by the board prior to January 1, 2009. This subdivision
4 shall not in any way expand or restrict the scope of practice for
5 acupuncturists as described in this chapter.

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